



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

MAY 26 2015

Dear Human Services Facility Operator:

This letter clarifies the requirements of the Adult Protective Services (APS) Law (Act 70) for facilities licensed and approved through the Office of Mental Health and Substance Abuse Services (OMHSAS) serving individuals with physical and intellectual disabilities including:

- Psychiatric Outpatient Clinics , 55 Pa. Code § 5200
- Partial Hospitalization, 55 Pa. Code § 5210
- Private Psychiatric Hospital, 55 Pa. Code § 5300, and § 5100
- Inpatient Unit of General Hospital, 55 Pa. Code § 5100
- Psych Rehab Services , 55 Pa. Code § 5230
- Assertive Community Treatment (ACT), Bulletin, OMHSAS-08-03 Effective September 2, 2008
- Crisis Intervention, Bulletin, OMH-93-10 Effective July 1, 1993
- Peer Support Specialist, Bulletin, OMHSAS 09-07 Effective January 1, 2010
- Residential Treatment Facility/Adults (RTF-A), Requirements for Licensure for Residential Treatment Facilities for Adults 11/6/1995 Memo
- Residential Treatment Facility/Children (RTF) "Interim Guidelines for RTF" as attached to MAB 01-93-04(Payment for Mental Health Services Provided in a Residential Treatment Facility for Eligible Individuals Under 21 Years of Age)
- Family Based Services, Draft 5260
- Intensive Case Management, 55 Pa. Code § 5221
- Blended Case Management, Bulletin, OMHSAS-10-03, 6/14/10 (Revised)
- Resource Coordination, Bulletin, OMH-93-09, April 1, 1993
- Extended Acute-Hospital Base, DRAFT OMHSAS Bulletin 06-05 Hospital Based EAC
- Extended Acute-Freestanding Non-Hospital Base, Draft OMHSAS document 05-02-08

Effective November 01, 2015 OMHSAS will begin enforcing the APS requirements under the applicable licensing regulations and statutes; however it is important for facilities to begin complying immediately.

In 2010, the APS Act was implemented to provide for the protection of abused, neglected, exploited or abandoned adults. The APS Act protects residents of this Commonwealth between 18 and 59 years of age who have a physical or mental impairment that substantially limits one or more major life activities. An administrator or employee of a facility who observes suspected abuse, neglect, exploitation or abandonment or has reasonable cause to suspect that abuse or neglect has occurred will immediately assure the recipient's health and safety. After assisting the recipient, an employee or administrator will follow the reporting requirements set forth in the APS Act.

In accordance with the APS act, employees and administrators of the below-listed facilities are mandatory reporters:

- Assisted Living Facility
- Domiciliary Care Home

- Home Health Care Agency
- Intermediate Care Facility for Individuals with Intellectual Disabilities or with Other Related Conditions
- Nursing Facility
- Older Adult Daily Living Center
- Personal Care Home
- Residential Treatment Facility
- An organization or group of people that use public funds and is paid, in part, to provide care and support to adults in a licensed or unlicensed setting

An administrator or employee who has reasonable cause to suspect that a recipient between the ages of 18-59 with a disability is a victim of abuse, neglect, exploitation or abandonment will:

1. Immediately make an oral report to the statewide Protective Services Hotline by calling 1-800-490-8505. Once the report is made, it will be referred to the APS agency (Liberty Healthcare Corporation) for handling.
2. Within 48 hours of making the oral report, the administrator or employee will send a written report to Liberty Healthcare at RA-PWAPSMandatoryRon@pa.gov or fax to 484-434-1590 using the form prescribed by the Department, a Home and Community Services Information System (HCSIS) incident report (Printable Summary) or an Enterprise Incident Management (EIM) report. The form, along with instructions for its completion, and additional guidance regarding APS may also be found on the Department's website at <http://www.dhs.state.pa.us>, under the "Report Abuse" link on the left.
3. If an employee is alleged to have committed abuse, the employee must be immediately suspended, or upon approval by Liberty and BHSL, a plan of supervision must be immediately implemented. The notice of suspension or plan of supervision must be immediately submitted to the BHSL regional office.

In addition to the general reporting requirements, an administrator or employee who has reasonable cause to suspect that a recipient is the victim of sexual abuse, serious injury, serious bodily injury or that a death is suspicious, will:

1. Immediately make an oral report to law enforcement officials. An employee will also immediately notify the facility administrator or a designee following a report to law enforcement officials, unless such notification would jeopardize the investigation or subject the recipient to further risk.
2. Immediately make an oral report to the Department by calling the mandatory abuse reporting line at 717-265-7887 and selecting option #3. Provide the following information:
 - a. The caller's name and telephone number
 - b. The name and license number (if applicable) of the facility
 - c. The alleged victim's name
 - d. The alleged victim's date of birth
 - e. The type(s) of alleged abuse or neglect

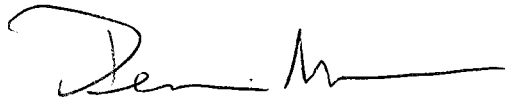
3. The administrator and employee shall make a joint written report within 48 hours of making the oral report, to law enforcement officials on the form prescribed by the Department, a HCSIS incident report (Printable Summary) or an EIM report.

Documentation of compliance with the above requirements must be kept.

The BHSL Provider Support Hotline is available to answer questions about measuring compliance with APS requirements, and can be reached at: 1-866-503-3926. General questions or requests for additional information regarding the Adult Protective Services program can be sent to the following email address: RA-PWAPSQuestions@pa.gov, or for those who do not have access to email, please call 717-736-7116.

Thank you for your continued partnership in protecting the health, safety, and welfare of the Commonwealth's most vulnerable citizens.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis Marion", with a long horizontal flourish extending to the right.

Dennis Marion
Deputy Secretary